

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

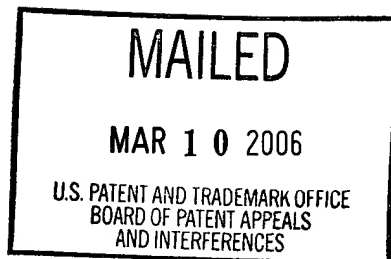
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### BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Ex parte JEFF A. ZIMNIEWICZ, GARY P. RADEN  
RYAN M. HELGESON and WILLIAM M. NELSON

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Appeal No. 2006-0660  
Application No. 09/771,761

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#### REMAND TO THE EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for a decision on appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to the decision are identified below.

A Reply Brief and a Request for Oral Hearing was timely filed on June 27, 2005. The examiner did not review the Reply Brief and neither paper was recorded in the PALM system. The Reply Brief needs to be considered by the examiner with respect to compliance with the criteria set forth in 37 CFR § 41.43(a) which states:

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

**ORDERED** that the application be **remanded** to the examiner for appropriate consideration of the June 27, 2005 Reply Brief, entry of both papers into the PALM system and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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